

1 Joel D. Odou
2 Nevada Bar No. 7468
Analise N. M. Tilton
3 Nevada Bar No. 13185
Abraham F. Ivie
4 Nevada Bar No. 15250
Wood, Smith, Henning & Berman LLP
5 2881 Business Park Court, Suite 200
Las Vegas, Nevada 89128-9020
6 Telephone: 702 251 4100
Facsimile: 702 251 5405
jodou@wshblaw.com
atilton@wshblaw.com
aivie@wshblaw.com

9
10 Attorneys for Knight Transportation, Inc., Knight
Refrigerated, LLC, and Kevin Cornish

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

14
15 CLYDE MONTERO, an individual, AMY
MONTERO, an individual, J.V., an individual,
I.V., an individual, and N.V., an individual,

16 Plaintiffs,

17 v.

18
19 KNIGHT TRANSPORTATION, INC., an
Arizona corporation, KNIGHT
20 REFRIGERATED, LLC, an Arizona limited
liability company, KNIGHT-SWIFT
21 TRANSPORTATION HOLDINGS, INC., an
Arizona corporation, KEVIN CORNISH, an
individual, DOES I through XX, and ROE
22 CORPORATIONS 1 through 100,

23 Defendants.

24 Case No. 2:19-cv-02119-RFB-NJK

25
26 **STIPULATION AND ORDER**
REGARDING LIABILITY

27 ////

28 ////

STIPULATION AND ORDER REGARDING LIABILITY

Plaintiffs CLYDE MONTERO, AMY MONTERO, J.V., IV., AND N.V, by and through their counsel of record, RAMZY P. LADAH, ESQ. and CARL R. HOUSTON, ESQ., of the LADAH LAW FIRM, and Defendants KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC and KEVIN CORNISH, by and through their counsel of record, JOEL D. ODOU, ESQ., ANALISE N. M. TILTON, ESQ., and ABRAHAM F. IVIE, ESQ., of the firm of WOOD, SMITH, HENNING & BERMAN LLP, hereby submit this Stipulation and Order regarding liability.

1 . **Defendants are Admitting Negligence:** For purposes of the instant action only, Defendants
 2 KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED, LLC and KEVIN
 3 CORNISH (collectively “Defendants”) agree to admit negligence, including both duty and
 4 breach, at the time of the October 21, 2017 incident that gives rise to the instant action subject
 5 to the full reservation of rights herein, and thus, in detail, stipulates to the following:

- 6 a. **Duty and Breach:** That Defendants, KNIGHT TRANSPORTATION, INC.,
 7 KNIGHT REFRIGERATED, LLC, admit that their agent/driver, Defendant
 8 KEVIN CORNISH, were negligent (Defendants are fully admitting both duty and
 9 breach);
- 10 b. **Agency and Imputed Liability:** That Defendants admit that such negligence
 11 occurred during the course and scope of the KNIGHT TRANSPORTATION,
 12 INC., KNIGHT REFRIGERATED, LLC’s agent/driver Defendant KEVIN
 13 CORNISH’s employment with KNIGHT TRANSPORTATION, INC., KNIGHT
 14 REFRIGERATED, LLC and, therefore, through the legal doctrine of Respondeat
 15 Superior, or imputed liability, Defendants admit that all such negligence is imputed
 16 to Defendants KNIGHT TRANSPORTATION, INC., KNIGHT
 17 REFRIGERATED, LLC;
- 18 c. **Defendants’ Negligence is the Cause of the Subject Motor Vehicle Collision:**
 19 That Defendants admit that such admitted and stipulated negligence of Defendants
 20 was the cause of the subject motor vehicle collision;

- 1 d. **Waiving Comparative Negligence:** That Defendants admit that they waive any
 2 Comparative Negligence Claims, and thus Defendants are fully and completely
 3 admitting 100% liability for the subject crash (specifically reserving the right to
 4 contest medical causation, medical treatment, injuries and any and all damages
 5 being alleged, as discussed more thoroughly below);
- 6 2. **Right to Contest Medical Causation and All Damages:** Defendants, reserve their right
 7 to contest the causal connection between the subject collision and the nature and extent of
 8 Plaintiffs' claimed damages as a result, including medical causation, medical treatment,
 9 injuries and any and all forms of damages being alleged by the Plaintiffs;
- 10 3. **Damages Alleged are the Only Remaining Issues:** The issues remaining to be
 11 determined at trial include the causal connection between the subject crash and the nature
 12 and extent of Plaintiffs' claimed injuries and damages, both economic and non-economic,
 13 being alleged as a result of the October 21, 2017 incident that gives rise to the instant
 14 action;
- 15 4. **No Discovery Regarding Liability:** In light of this stipulation, the parties agree there will
 16 be no discovery relating to issues of negligence including, but not necessarily limited to,
 17 KNIGHT TRANSPORTATION, INC. and KNIGHT REFRIGERATED, LLC's policies,
 18 procedures, investigations, drivers, hiring, training, purchase, lease, maintenance and
 19 repairs of its vehicles;

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **5. Forego Depositions:** In light of this stipulation, Plaintiffs hereby agree to forego taking
2 the depositions of KNIGHT TRANSPORTATION, INC., KNIGHT REFRIGERATED,
3 LLC, and KNIGHT-SWIFT TRANSPORTATION HOLDINGS, INC.'s parties,
4 representatives and/or persons most knowledgeable, since Negligence is no longer an issue
5 in the instant case.

6 **IT IS SO STIPULATED.**

7 DATED this 9th day of June, 2020.

DATED this 9th day of June, 2020.

8 **WOOD, SMITH, HENNING & BERMAN LLP**

LADAH LAW FIRM

9 By: */s/ Analise N.M. Tilton*

10 By: */s/ Carl R. Houston*

11 JOEL D. ODOU
12 Nevada Bar No. 7468
13 ANALISE N. M. TILTON
14 Nevada Bar No. 13185
15 ABRAHAM F. IVIE
16 Nevada Bar No. 15250
17 2881 Business Park Court, Suite 200
18 Las Vegas, Nevada 89128

19 Attorneys for Defendants,
20 Knight Transportation, Inc., Knight
21 Refrigerated, LLC and Kevin Cornish

22 RAMZY P. LADAH
23 Nevada Bar No. 11405
24 CARL R. HOUSTON
25 Nevada Bar No. 11161
26 517 S. Third Street
27 Las Vegas, Nevada 89101

28 Attorneys for Plaintiffs, Clyde Montero,
29 Amy Montero, J.V., I.V., and N.V.

Case Name: Montero, et al. v. Knight Transportation, Inc. et al.
Case No. 2:19-cv-02119-RFB-NJK

ORDER

IT IS SO ORDERED.

DATED this 11th day of June, 2020.

卷之三

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

WOOD, SMITH, HENNING & BERMAN LLP

/s/ Analise N.M. Tilton

By:

JOEL D. ODOU
ANALISE N. M. TILTON
ABRAHAM F. IVIE
Attorneys for Defendants, Knight Transportation,
Inc., Knight Refrigerated, LLC, and Kevin
Cornish